

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

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|------------------------------|---|-----------------------|
| In re TALBOTT, INCORPORATED, |) | Case No. 06-61919-LYN |
| |) | |
| Debtor, |) | |
| _____ |) | Chapter 7 |

MEMORANDUM and ORDER

Curtis Talbott and Cynthia Talbott are insiders of the Debtor. On October 4, 2006, John W. Daniel & Company, Inc., (“Daniel”) obtained a judgment against the Debtor in the approximate amount of \$154,000.00.

On December 11, 2006, the Debtor filed the above styled petition. On January 22, 2007, Daniel filed a complaint in the Circuit Court for the City of Lynchburg, Virginia against Curtis Talbott, Cynthia Talbott and another corporation, Talbott Concrete and Construction, Inc., (“Talbott Concrete”).

On August 14, 2007, Daniel filed a motion for relief from the stay to enable Daniel “to conduct discovery on the Debtor as a nonparty witness in the state court action.” The motion will be granted in part.

ORDER

The stay applicable under 11 U.S.C. § 362(a) shall and hereby is modified to permit John W. Daniel & Company, Inc., to subpoena documents from the chapter 7 trustee. John W. Daniel & Company, Inc., shall compensate the chapter 7 trustee for the cost of providing such documents and shall do so prior to the delivery of those documents. Any such request for documents shall be reasonable and shall be limited to only those documents that John W. Daniel

& Company, Inc., cannot obtain by other means.

Neither the trustee nor his staff shall be required to respond to any interrogatories.
Neither the chapter 7 trustee nor his staff shall be required to respond to any subpoena for deposition.

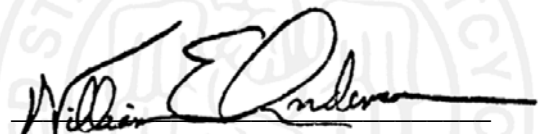
Further, the stay applicable under 11 U.S.C. § 362(a) shall be and hereby is modified, to the extent necessary, to permit John W. Daniel & Company, Inc., to conduct discovery against Curtis Talbott and Cynthia Talbott in their capacities as officers and directors of the Debtor.

This order shall not be construed to permit John W. Daniel & Company, Inc., to commence or continue any act to obtain possession of, or exert control over, either property of the debtor or property of the estate.


So ORDERED.

Upon entry of this Memorandum and Order, the Clerk shall forward a copy Darren W. Bentley, Esq., Counsel for the movant, R. Mitchell Garbee, Esq., counsel for the Debtor, and the chapter 7 trustee.

Entered on this 6th day of September, 2007.



William E. Anderson
United States Bankruptcy Judge

The seal of the United States Bankruptcy Court is visible in the background. It is a circular seal with the words "UNITED STATES BANKRUPTCY COURT" around the perimeter and "SEAL" at the bottom. A star is located at the bottom center of the seal.